

motion of Mr. Taylor of Fannin, laid on the table until to-morrow.

Mr. Hamilton offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to report to the House a bill creating a board of land commissioners, to be composed of the Commissioner of the General Land Office, Adjutant General and the Auditor of Public Accounts, to determine upon all equitable claims for land, which would have been cognizable by the local boards under the laws governing them during their existence ; or some other suitable bill to relieve the Legislature from the waste of a large proportion of their time on such claims, to the exclusion of more important business.

Mr. Runnels moved to strike out "committee on Private Land Claims," and insert "the Judiciary committee;" accepted.

Mr. Scott offered the following as a substitute for the original resolution as amended :

That the committee on the Judiciary be instructed to enquire into the expediency of creating some board or boards of commissioners, whose duty it shall be to examine into and issue to parties adjudged to be entitled to receive lands, certificates for the same ; substitute adopted.

The resolution as substituted was then adopted.

On motion, the House adjourned until half-past 9 o'clock, A. M., to-morrow.

AUSTIN, January 20, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees: Messrs. Bee, Browder, Daggett, Edwards, Fields, Hamilton, Hord, Howard, Lawson, McFarland, Neal, Rowe, Runnels, Russel, Stewart, Tankersley, Taylor of H., Thomson, Titus and Wilson.

Journal of yesterday read and adopted.

On motion of Mr. Randolph, Mr. Wilson was excused from attendance on the House, on account of indisposition.

PETITIONS.

Mr. Flanagan presented the petition of Colby W. Crawford, praying certain privileges : referred to the Finance committee.

REPORTS OF STANDING COMMITTEES.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Finance have directed me to report the bill entitled an act, supplementary to an act to prohibit assessors and collectors of taxes from exercising official functions before they are duly qualified, approved September 5, 1850, and recommend its passage. All of which is respectfully submitted.

GUY M. BRYAN, Chairman.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred a bill for the relief of the inhabitants of San Elizario, in El Paso county, beg leave to report: That they have had the same under consideration, and upon an investigation of all the facts and circumstances attending the matter involved in the terms of said bill, your committee feel fully satisfied that the claim is one just and equitable in its character, and sufficient to command the attention and action of the Legislature.

From the proof in the possession of your committee, they have ascertained the following facts, to wit: That the inhabitants of the town of San Elizario were in the possession of a good and genuine title, emanating from the Vice Royal authorities of the Government of Spain, in the year 1790; that the said town of San Elizario was settled about the aforesaid time by a large number of persons; that from that period up to the present time, the said town has been constantly occupied, and a large quantity of the soil cultivated, and the title of the said inhabitants to the land contained in their alleged grant unquestioned.

Your committee further find, that the citizens of the said town surrendered, unconditionally, to the American troops, in the year 1846, and have since remained quiet and peaceable citizens of the United States.

Your committee also find, that upon the advent of said American army into the aforesaid town, the archives thereof were seized and destroyed, among which was the grant of the said town before mentioned.

Your committee therefore respectfully recommend the passage of the bill. All of which is respectfully submitted.

W. F. EVANS, Chairman.

Report and bill received to come up among the orders of the day.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Public Lands, to whom was referred the petition of Joseph and Elizabeth Goodnight, beg leave to report: That from the facts set forth and submitted in this case, the parties have a just and meritorious right to the land for which they ask; and in conformity with these views, I am instructed to report the accompanying bill for their relief.

W. F. EVANS, Chairman.

Report and bill received to come up among the orders of the day.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred a bill to be entitled an act supplementary to an act granting to settlers on vacant public domain pre-emption privileges, approved January 22, 1845, have duly considered the same, and beg leave to report: That the true policy of the country, in the opinion of the committee, demands such legislative action, not only on the subject of the disposition of our vacant public domain to actual settlers thereon, but on every other subject connected with the public lands of the State, as will induce the laboring classes of other communities to immigrate hither, and become permanent citizens among us. Should such a policy be adopted as would secure to every immigrant a home on his arrival in our State, for a merely nominal sum, might we not expect soon to see the most unprecedented increase of wealth and population, by which benefits of great importance would ultimately be realized? Then why should we withhold the boon which would be gladly accepted by many, as we confidently believe? Why hoard our vacant public domain, with a miser's grasp, while thousands would seek a home in Texas who have not, nor cannot obtain the means to procure homes where they now remain? At the same time while we would unhesitatingly recommend giving to the actual settler a home, at merely a nominal price, we deprecate the policy of a general distribution of the public lands by the issuance of head-right certificates, indiscriminately.—Your committee, therefore, earnestly recommend to the favor-

able consideration of the House, the bill referred to them, without amendment. Respectfully submitted.

B. B. CANNON,
C. B. STEWART,
HAMILTON P. BEE,
WM. F. EVANS,
W. D. THOMSON,

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

The committee on Internal Improvements, to whom was referred a bill authorizing S. P. Hollingsworth and his associates to construct a bridge across the Sabine river, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage without amendment.

JOSEPH TAYLOR, Chairman.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

Your committee on Private Land Claims have had before them, and duly examined into the claims of Sylvester Chamberlain, claiming, in behalf of the heirs of his son, Horace P. Chamberlain, deceased, the head-right third league of decedent, which, it is alleged, he was entitled to but never obtained. The certificate of the Adjutant-General shows that H. P. Chamberlain entered the military service of Texas on the 1st of April, 1836, and that he continued in service until the 10th day of May, 1837, for which he received an honorable discharge, (and a bounty for twelve hundred and eighty acres of land), whereby he became entitled, under the laws then in force, to a head-right of one-third league of land.

It is further certified by the Commissioner of the General Land Office, that no head-right has been taken by, or issued or recommended in favor of said deceased. The premises are considered by your committee, to be sufficient to entitle the heirs of said Chamberlain to the land claimed. They, therefore, report a bill in their favor; and as Mr. Chamberlain, the father of H. P. Chamberlain, is an aged man, and far from his home, they recommend the early passage of the bill to the tender consideration of the House.

N. B. CHARLTON,
C. B. STEWART,
JNO. PATRICK,
E. M. DAGGET.

Report and bill received to come up in their regular order.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill to be entitled "an act to authorize the clerk of the District court of Houston county to transcribe certain records; "and a bill to be entitled "an act re-instating Joseph F. Smith as an attorney and counsellor at law;" and find the same correctly engrossed. Respectfully submitted.

A. J. HOOD, Chairman.

Report received.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Engrossed Bills have had before them a bill to be entitled "an act supplementary to an act entitled an act to restore lands sold for taxes and purchased by the State, to the former owners," approved January 28, 1852, and find the same correctly engrossed. All of which is respectfully submitted.

J. W. FLANAGAN,

One of the committee.

Report received.

COMMITTEE ROOM, January 20, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee, to whom was referred a bill to be entitled an act to incorporate the town of Mount Vernon, in Titus county, Texas, have examined the same, and can see no reason why it should not be passed.

They, therefore, beg leave to report it back to the House, without amendment, and recommend its passage. All of which is respectfully submitted. J. M. CROCKETT, Chairman.

BILLS AND RESOLUTIONS.

Mr. Tankersly introduced a bill to regulate the proceedings and practice of the District Courts of this State; read first time.

Mr. Tankersly moved to suspend the rule regulating the general order of business, in order that the bill might be placed upon its second reading; motion lost.

On motion of Mr. Evans of Polk, Mr. Doom was added to the committee on Public Lands.

Mr. Mabry introduced a bill for the relief of John A. Redfield; read first time.

Mr. Pollock introduced a bill making an appropriation for the payment of fees due for the surveying of land scrip; read first time.

Mr. Tankersly introduced a bill to grant a separate representation in the House of Representatives of the Legislature of this State, to the city of Houston, Harris county; read first time.

Mr. Randolph introduced a bill for the relief of M. B. Irwin; read first time.

Mr. Andrews introduced a bill authorizing and requiring the Comptroller to issue duplicate certificates No. 227, of the debt of the late Republic of Texas; read first time.

Mr. Andrews introduced a bill to incorporate Milam Lodge, No. 23, I. O. O. F., in the city of Austin; read first time.

Mr. Tarver introduced a bill to create the office of State Geologist; read first time.

Mr. Stewart introduced a bill, requiring all claims for head-right land and for military land, to be filed with the Commissioner of the General Land Office and Adjutant General, respectively, for examination, by the first day of September next; read first time.

Mr. Stewart introduced a bill to make valid patents for lands which have been issued in favor of the "heirs" of deceased persons; read first time.

Mr. Hardeman of Caldwell introduced a bill for the relief of the Guadalupe High School; read first time.

Mr. Hood offered the following resolution:

Resolved, That the clerks, in making out the journals of this House, be and are hereby requested to place the letters "A. J." before the name of "Hood," wherever it occurs; adopted.

Mr. Browder introduced a joint resolution relating to internal improvements; read first time.

On motion of Mr. Bee, the rule was suspended; bill read second time, and referred to the committee on Internal Improvements.

Mr. Camp introduced a bill for the relief of Silas M. Grace; read first time.

Mr. Charlton introduced a bill to regulate proceedings in the District Court, approved May 13, 1846; read first time.

Mr. Rossy introduced a bill to establish public schools in the county of Comal; read first time.

Mr. Westmoreland introduced a bill, amending an act entitled "an act concerning surveys of land;" read first time.

Mr. Westmoreland introduced a bill, authorizing the Auditor and Comptroller to audit the claim of William J. Kellett, one of the Santa Fe prisoners; read first time.

Mr. Westmoreland introduced a bill providing for the return of the muster rolls of a company commanded by Captain J. J. B. Hoxey, and for the relief of the members of said company; read first time.

The Speaker announced that the hour had arrived for the consideration of the bill to apportion the Senators and Representatives of the Legislature among the several counties of this State, in accordance with the requirements of the Constitution, it having been made the special order for this hour.

Mr. Hartley offered the following resolution:

Resolved, That the basis of representation in the apportionment to be made at the present session, shall be ninety members of the House of Representatives, and thirty-three Senators.

The Speaker decided that the resolution was out of order, inasmuch as the special order of the day was before the House.

Mr. A. J. Hood moved to suspend the rule, in order that the House might consider the resolution; motion lost.

After the reading of the bill, Mr. Taylor of Fannin offered the following amendment: strike out "Red River county" in the 11th district, and add "Red River" after the word "Bowie," in the first district.

Mr. Daggett moved to lay the amendment on the table, upon which the yeas and nays were taken and stood thus:

YEAS.—Messrs. Speaker, Bryan of B., Charlton, Coles, Crabb, Crockett, Daggett, Edwards, Evans of A., Evans of P., Flanagan, Hartley, Hardeman of C., Hardeman of N., A. J. Hood, Hooker, Johnson, Jowers, Lane, Lawson, Lott, Maverick, Neighbors, Palmer, Patrick, Rains, Randolph, Reid, Rowe, Runnels, Sims, Speight, Stapp, Stewart, Thomson, Titus, Turner, Westmoreland, White and Wren—40.

NAYS.—Messrs. Bee, Bryan of C., Cannon, Doom, Dunlap, Evans of B., Hamilton, Mabry, Pollock, Rossy, Scott, Tankersly, Tarver, Taylor of F. and Throckmorton—15.

So the amendment was laid on the table.

Mr. Runnels proposed the following amendment, which was adopted: Section 1st, 19th district, add "Madison" after "Walker."

Mr. Runnels then proposed the following further amendment, which was also adopted: 3d section, 41st district, add "Madison" after "Walker," so as to read "Madison, Walker and Grimes."

Mr. Pollock proposed the following amendment: Strike out "Cherokee," in the 32d representative district; let the surplus of Nacogdoches county go to Angelina; rejected.

Mr. Bryan of Brazoria proposed the following amendment, which was rejected: Strike out in 3d section, 52d district, the words "and Austin."

Mr. Bryan of Brazoria proposed to amend further, as follows: Insert at the end of 4th section the words "Fort Bend, 52d district;" adopted.

Mr. Hamilton proposed the following amendments, which were adopted: change the 49th representative district, so as to read as follows, "Williamson and Burnett;" and in the 58th district, strike out the words "and Burnett."

Mr. Hamilton proposed further to amend as follows: In the 59th representative district, strike out the word "Fayette," which, on motion of Mr. Hartley, was laid upon the table.

Mr. Tankersly proposed the following amendment, which, on motion of Mr. Evans of Polk, was laid upon the table: Add in 37th section, "and Harris and Austin counties one representative."

Mr. Cannon proposed the following amendment: Between 10th and 11th lines, section 4, insert "Cherokee," 32d.

Mr. Stapp proposed to amend the amendment, by striking out "Cherokee," and inserting "Angelina;" carried; and amendment as amended adopted.

Mr. Mabry proposed the following amendment, which was adopted: In 59th district, strike out "Burnett."

Mr. Bryan of Cameron moved the House adjourn until 9 o'clock A. M., to-morrow; lost.

Mr. Hartley proposed the following amendment, which was adopted: In the 4th section, between the 17th and 18th line, insert, "the chief-justice of Williamson county for the 49th district."

Mr. Bryan of Cameron moved the House adjourn until 3 o'clock P. M.; lost.

Mr. Reid proposed the following amendment: Either strike out the word "Orange" where it occurs in the apportionment of representatives, or place it among the counties who have a senatorial apportionment.

Pending this amendment, the House, on motion, adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

The amendment of Mr. Reid being under consideration when the House adjourned, again came up for consideration; when Mr. Tankersly obtained the floor, and after occupying it some time, was called to order by Mr. Hartley, under the 23d rule of the House, and took his seat.

Mr. Browder moved the House adjourn until half-past 9 o'clock to-morrow; lost.

Mr. Scott moved the House adjourn until 9 o'clock A. M., to-morrow; lost.

Mr. Charlton proposed the following as a substitute for Mr. Reid's amendment, which was adopted: In 1st section, 16th district, insert "and Orange;" amendment as amended adopted.

Mr. Tarver proposed to amend by adding "Washington" before "Fort Bend;" rejected.

Mr. Hartley proposed the following amendments, which were adopted: In the 4th section, between the 6th and 7th lines, insert, "the chief-justice of Harrison county for the 17th district;" and between the 7th and 8th lines, same section, insert, "the chief-justice of Henderson for the 20th district;" and between the 17th and 18th lines, same section, insert "the chief-justice of Fort Bend county for the 32d district;" in the 23d line, same section, strike out "64th," and insert "65th."

Mr. Hord proposed the following amendment: In section 2d, 31st line, strike out "Nueces," and insert "Starr."

Mr. Browder moved to lay the amendment upon the table; motion lost.

After which the amendment was adopted.

Mr. Thomson proposed the following amendment, which was adopted: In the 47th representative district, in making the returning officer, strike out "Robertson" and insert "Milam."

Mr. Camp proposed the following amendment: In the 6th senatorial district, strike out "Van Zandt," and attach said county to the 10th senatorial district; also, strike out representative district No. 17, composed of Harrison and Upshur, and change No. 2 to 3, as connected with Harrison, and which forms the 15th representative district, upon which the yeas and nays were taken, and stood thus:

YEAS—Messrs. Andrews, Camp, Crockett, Doom, Dunlap,

Evans of B., Hamilton, Hartley, A. J. Hood, Hooker, Hord, Johnson, Lane, Maverick, Neighbors, Palmer, Pollock, Rossy, Scott, Tankersly, Tarver, Taylor of F., Taylor of H., Throckmorton, Turner and Westmoreland—26.

NAYS—Messrs. Speaker, Bryan of B., Cannon, Charlton, Coles, Crabb, Daggett, Evans of A., Evans of P., Flanagan, Hardeman of C., Hardeman of N., Jowers, Lawson, Lott, Mabry, Patrick, Rains, Randolph, Reid, Runnels, Sims, Stapp, Titus, White and Wren—26.

There being a tie vote, the amendment was lost.

Mr. Taylor of Harrison proposed the following amendment: Strike out representative district No. 17, made of Harrison and Upshur counties; and change No. 2, as connected with Harrison county, which forms the 15th representative district, to 3.

Pending the consideration of this amendment, on motion, the House adjourned until half-past 9 o'clock A. M., tomorrow.

AUSTIN, Friday, January 21, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees: Messrs. Browder, Fields, Howard, Jowers, McFarland, Stapp, Stewart and Tankersly.

PETITIONS.

Mr. Hamilton presented the petition of A. E. Osborn, praying relief; referred to the committee on Public Lands.

Mr. Neighbors presented the petition of Jose Maria Flores, praying relief; referred to the committee on Public Lands.

Mr. Hamilton presented the petition of the heirs of Edward Burleson, praying relief; referred to the committee on Finance.

Mr. Hamilton presented the petition of the heirs of Samuel P. Williams, praying relief; referred to the committee on Private Land Claims, No. 1.

Mr. Hartley presented the petition of John Nichols, praying duplicate land scrip; referred to the committee on the Judiciary.

Mr. Flanagan presented the petitions of John Long, James D. and Mary Hamilton, praying relief; referred to the committee on Public Lands.

Mr. Stapp presented the petition of E. Linn, praying relief; referred to the committee on Private Land Claims, No. 1.